

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

-against-

ORDER

14-CV-01922 (NGG) (RML)

EDWARD J. SAJOVIC and EDWARD J.
SAJOVIC DESIGN, LLC 401(k) PROFIT
SHARING PLAN,

Defendants.

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NICHOLAS G. GARAUFGIS, United States District Judge.

On March 25, 2014, Plaintiff Thomas E. Perez, the U.S. Secretary of Labor ("Plaintiff"), filed this action against Defendants Edward J. Sajovic ("Sajovic") and the Edward J. Sajovic Design, LLC 401(k) Profit Sharing Plan (the "Plan" and collectively, "Defendants") to enjoin practices in violation of Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001 et seq., and to obtain such further equitable relief as may be appropriate to redress the alleged violations. (Compl. (Dkt. 1) ¶ 1.) Defendants did not answer or otherwise respond to the Complaint. On June 10, 2014, Plaintiff moved for default judgment against Defendants. (Mot. for Default J. (Dkt. 11).) The court referred this motion to Magistrate Judge Robert M. Levy for a report and recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) to address both liability and appropriate relief. (See June 16, 2014, Order (Dkt. 12).)

On October 21, 2014, Judge Levy issued an R&R recommending that the court grant Plaintiff's motion for default judgment and enter an order (1) removing Sajovic as a fiduciary of

the Plan and (2) permanently enjoining him from serving as a fiduciary or service provider to any ERISA-covered employee benefit plan. (See R&R.) Plaintiff served a copy of the R&R on Defendants at 10-39 44th Drive in Long Island City, New York, on October 22, 2014. (Cert. of Service (Dkt. 17).) Pursuant to an Order of the court, Defendants were again served with a copy of the R&R at the address on file with the New York State Division of Corporations, 48-10 39th Avenue in Sunnyside, New York, on November 21, 2014. (Cert. of Service (Dkt. 19).)

No party has objected to Judge Levy's R&R, and the time to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000).

Finding no clear error, the court ADOPTS the R&R and accordingly GRANTS Plaintiff's motion for default judgment in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007). The Judgment and Order of the court shall be docketed separately.

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York
December 8, 2014

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge